

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CASE NO. 3:20-CV-631-DCK**

**M.E. STORES PROPERTY, LLC,**

**Plaintiff,**

**v.**

**EPCON NANTZ ROAD, LLC, EPCON  
COMMUNITIES, LLC, EPCON  
COMMUNITIES CAROLINAS, INC., and  
W. M. WARR & SONS INC,**

**Defendants.**

**ORDER**

**THIS MATTER IS BEFORE THE COURT** on the “Epcon Defendants’ Motion To Compel Discovery Responses From M.E. Stores Property, LLC” (Document No. 19) filed February 18, 2021. The parties have consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c), and immediate review is appropriate. Having carefully considered the motion and the record, the undersigned will deny the motion.

The undersigned finds that Defendants’ motion does not comply with Local Rule 7.1(b) or the requirements of the “Pretrial Order And Case Management Plan” (Document No. 5). The “Pretrial Order...” provides in relevant part:

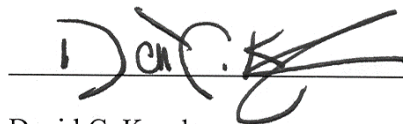
A motion to compel must include a statement by the movant that the parties have conferred in good faith in an attempt to resolve the dispute and are unable to do so. Consistent with the spirit, purpose, and explicit directives of the Federal Rules of Civil Procedure, the Court expects all parties to attempt in good faith to resolve discovery disputes without the necessity of Court intervention. Failure to do so may result in appropriate sanctions.

(Document No. 5, p. 5).

**IT IS, THEREFORE, ORDERED** that the “Epcon Defendants’ Motion To Compel Discovery Responses From M.E. Stores Property, LLC” (Document No. 19) is **DENIED WITHOUT PREJUDICE**. Defendants’ counsel shall confer with Plaintiff’s counsel by telephone conference, or a virtual Teams or Zoom meeting, before filing a renewed motion to compel. Both sides are directed to confer in good faith and attempt to resolve any areas of disagreement.

**SO ORDERED.**

Signed: February 18, 2021

  
\_\_\_\_\_  
David C. Keesler  
United States Magistrate Judge

